

BY THE

Governor of the State of Texas

JUN 28 1971

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 20, 1971

Senate Bill No. 11, Sixty-Second Legislature, Regular Session, appropriates over 7 billion, 100 million dollars - - the largest appropriation bill in the history of Texas. Without question, the demands of a growing, dynamic and changing citizenry require the state to provide funding for essential state services. However, our spending is proliferating without cause or justification. From 1940 to 1972, state spending per capita will have grown from \$26 to \$346 million - - a 1,300 percent increase. Even after adjusting these costs for inflation, spending will have increased \$26 to \$117 per person during this period. This is a 350 percent rise in 30 years.

In its efforts to satisfy the desires of all the people, the Legislature has not given sufficient consideration to the equally important demand for economy in government. There is example after example in this Appropriations Bill of liberal raises for already well-paid executives. To me, this is incautious spending. Other examples of imprudent and excessive funding also exist. Unfortunately, many of these items are written in such a way that it is impossible for me to veto them. Since I cannot reduce the amount of an item, much of the gratuitous spending cannot be vetoed for the 1972 fiscal year. The items I am vetoing for fiscal year 1972 are unnecessary or can be postponed without jeopardizing the delivery of essential services by the State.

Since a Special Session of the Legislature is mandatory to fund welfare for 1973, a unique opportunity is available for the Legislature to adjust and correct the unwarranted expenditures included in Senate Bill No. 11, during the second year of the

ium.

Therefore, by authority granted in me by Article IV, Section 14, of the Texas Constitution, I hereby veto each and all of the items appropriated for the fiscal year August 31, 1973 from Senate Bill No. 11, Sixty-Second Legislature, Regular

on.

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By the time of the Special Session, we should have an accurate estimate of what the Federal Government is actually going to do about the Welfare Program. We should have from the State Comptroller a new and more up-to-date estimate of available revenue for financing appropriations in the 1973 fiscal year. The Legislature will have another chance to write a more realistic and economical appropriations bill for 1973. I believe they can and will do better.

In addition to vetoing the entire appropriation for the fiscal year ending August 31, 1973, by authority granted in me by Article IV, Section 14, of the Texas Constitution, I hereby veto certain items from Senate Bill No. 11, Sixty-Second Legislature, Regular Session, for the fiscal year ending August 31, 1972:

SUMMARY OF ITEMS VETOED - 1972

Article II

1972

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION DALLAS NEUROPSYCHIATRIC INSTITUTE

Item 16 - For Construction of Institute \$ 1,600,000

TEXAS YOUTH COUNCIL- GATESVILLE SCHOOL FOR BOYS

Item 6 - Dyslexia Program \$ 50,000

Article III

1972

ALCOHOLIC BEVERAGE COMMISSION

Item 9 - Director of Programs \$ 14,500

ATTORNEY GENERAL'S OFFICE

Item 11 - Court costs (including costs of depositions and court reporters' fees); for enforcement of Tort Claims Act; and for witness fees and expenses \$ 250,000

Item 12 - For all costs incurred in Redistricting Suits \$ 100,000

Item 14 - Board of Barber Examiners Fund No. 40 \$ 10,207

STATE BUILDING COMMISSION

Item 16 - To purchase or otherwise acquire a building known as the Stephen F. Austin Hotel together with all improvements thereon, and all furniture, furnishings, fixtures and equipment located thereon, and situated on Lots Nos. One (1) and Two (2) in Block No. Eighty-four (84) in the City of Austin, Travis County, Texas \$ 375,000

Item 17 - For all necessary costs in repairing, remodeling and renovating of the Stephen F. Austin Hotel Building for conversion into State office space \$ 425,000

Article III

HISTORICAL SURVEY COMMITTEE

1972

- Item 11 - For construction of a research center and museum at Clarendon, including current and recurring operating expenses, salaries, part-time and season help, acquisition of property, consumable supplies and materials, professional fees and services, travel, and capital outlay \$219,925
- Item 13 - For the purchase of historical flags to be displayed in the Capitol Building \$ 20,000
- Item 15 - Oral history projects \$ 50,000

Article III

PARKS AND WILDLIFE COMMISSION

1972

- Item 10e - For the development of the Quanah Parker Interpretive Center at Copper Brakes State Park \$150,000
- Item 10f - Acquisition, restoration, and maintenance of historical structures and sites:
 - (1) Sabine Pass Battle Site \$ 50,000
 - (2) Other Structures and Sites \$500,000
- Item 12 - For the removal of moss from the public waters of the State, including salaries, wages, travel, rents, capital outlay and all other necessary costs and expenses whether by contract or direct payment \$150,000
- Item 21 - Environmental Planning and Coordination \$ 25,000

Article III

DEPARTMENT OF PUBLIC SAFETY

1972

- Item 15 - For the purchase of one (1) pickup truck and camper \$ 6,000

Article III

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES
SPECIAL PROVISIONS

1972

- Section 8a - Barber Examiners Fund No. 40 \$ 6,480
- Section 8b - Barber Examiners Fund No. 40 \$ 21,900

Article IV

ORDINATING BOARD, TEXAS COLLEGE AND
UNIVERSITY SYSTEM

1972

- 11 - For allocation to El Paso Community College for start-up expenses \$250,000

Article IV

1972

TEXAS A & M UNIVERSITY SYSTEM- TEXAS AGRICULTURAL
EXPERIMENT STATION

Item 2k - Development of three new Regional
Research Centers \$ 300,000

TEXAS A & M UNIVERSITY SYSTEM - PRAIRIE VIEW
AGRICULTURAL AND MECHANICAL COLLEGE

Item 8i - Environmental Pollution Institute \$ 80,000

TEXAS A & M UNIVERSITY SYSTEM - TARLETON STATE
COLLEGE

Item 7b - Masters Level Program Development \$ 55,000

LAMAR UNIVERSITY

Item 7b - Spindletop Museum \$ 700,000

BOARD OF REGENTS FOR THE STATE SENIOR
COLLEGES - ANGELO STATE UNIVERSITY

Item 6d - Graduate Program Development \$ 120,000

TOTAL \$5,529,012

OBJECTIONS TO ITEMS AND REASONS FOR VETO (1972)

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
DALLAS NEUROPSYCHIATRIC INSTITUTE

Item 16

Construction of a Dallas Neuropsychiatric Institute has been the subject of discussion and controversy for at least the last six years. There is no evidence at this time that would indicate that the ultimate role and scope of the Institute has been clearly defined or justified. We cannot afford to invest \$1,600,000 in a project unless the opportunities for a successful program are more apparent.

It would also appear that the terms of the appropriation are in direct conflict with the statute creating the Institute and the Constitutional provision related to funding of construction projects for The University of Texas, to which the Institute would be transferred. Therefore, I am vetoing this item.

TEXAS YOUTH COUNCIL- GATESVILLE SCHOOL FOR BOYS

Item 6

The Gatesville State School is currently operating a dyslexia program without special line item appropriation. Additional funds for this program were not requested by the Texas Youth Council. I believe this program can be adequately financed by the Youth Council without this special item. Therefore, I am vetoing this item.

ALCOHOLIC BEVERAGE COMMISSION

Item 9

This exempt position is vacant and the Commission has no plans to fill it. Therefore, I am vetoing this item.

ATTORNEY GENERAL'S OFFICE

Items 11 and 12

In 1969, I vetoed an appropriation for the contracting of attorneys to represent the State as special assistant attorneys general. The reasons invoked then remain valid today. It is the duty of the Attorney General's Office to represent the State in all legal proceedings, not to hire special counsel for particular cases such as re-districting or tort claims. Since the Attorney General's staff is large and well funded, the interests of the State will be served best by relying on full time assistant attorneys general to represent the State. For these reasons, I am vetoing these two items.

Item 14

Since the Legislature failed to enact legislation increasing fees to the Board Fund, it is estimated that income to the Fund will be \$80,000 insufficient for financing anticipated appropriations and demands for the 1972 fiscal year. By eliminating these charges the Barber Board should have sufficient funds to maintain their operations until a Special Session is called. At this time, the Legislature will have an opportunity to either increase the fees to support the operations of the Board or to reduce appropriations. For these reasons, I am vetoing this item.

STATE BUILDING COMMISSION

Items 16 and 17.

The Building Commission did not request funds for the purchase and renovation of the Stephen F. Austin Hotel. These items appeared only in the final Appropriations Bill. No open discussion of the items occurred. A detailed analysis of the cost of converting this hotel into office space has not been conducted. A reasonable cost estimate for conversion of the hotel to office facilities is three times the amount appropriated. No state parking facilities are available to this building. This would certainly create a hardship on state employees and citizens working and conducting business with state agencies located in this building. For these reasons, I am vetoing these two items.

HISTORICAL SURVEY COMMITTEE

Item 11

The appropriation for this project was not requested by the Historical Survey Committee or recommended by me or by the Legislative Budget Board. In my opinion, the construction and operation of a research center and museum at Clarendon is not the responsibility of the Historical Survey Committee. Because of the tremendous demand for State funds and the necessity for additional taxes, this item represents an expenditure that can be postponed or possibly funded by the one cent cigarette tax dedicated to the State Park Fund. Therefore, I am vetoing this item.

Item 13

The appropriation was not requested by the Historical Survey Committee. It was recommended by the Legislative Budget Board or by me. The flags which were to be purchased with this appropriation have not been located and no estimate of the cost of purchasing them is available. Since it is the purpose of the interim committee established by a House Concurrent Resolution to investigate these matters, I believe the appropriation should be considered by the next Regular Session of the Legislature. Therefore, vetoing this item.

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This item was not requested by the Historical Survey Committee or recommended by me or by the Legislative Budget Board. No description of the projects to be undertaken with this appropriation is included in this bill. Because of this lack of discernible legislative intent, I am vetoing this item.

PARKS AND WILDLIFE COMMISSION

Items 10c and 10f

The Sixty-Second Legislature, Regular Session, enacted and I approved House Bill 731, which establishes the State Parks Fund. This fund is available for park planning, acquisition and development and will provide sufficient funds for the Commission to construct these projects if they are determined to be a high priority. For this reason, I am vetoing the line item appropriations for these projects.

Item 12

This appropriation was not requested by the Commission or recommended by me. Sufficient resources are available elsewhere within the Commission's appropriation to purchase and operate the necessary equipment for this work if it is deemed necessary and desirable by the Commission. For these reasons, I am vetoing this item.

Item 21

Senate Bill No. 321, Sixty-Second Legislature, Regular Session, would have placed environmental planning and coordination for the State under the jurisdiction of the Parks and Wildlife Commission. This appropriation would have been used to implement that legislation. Since Senate Bill No. 321 was not passed into law, I am vetoing this appropriation.

DEPARTMENT OF PUBLIC SAFETY

Item 15

The Department of Public Safety did not request funds for the purchase of a pickup truck and camper. This item appeared only in the final Appropriations Bill. The Department has the authorization and sufficient funds available to purchase this equipment if it is needed. For these reasons, I am vetoing this item.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES SPECIAL PROVISIONS

Section 8a and Section 8b

Since the Legislature failed to enact legislation increasing fees to the Barber Fund, it is estimated that income to the Fund will be \$80,000 insufficient for financing anticipated appropriations and demands for the 1972 fiscal year. By eliminating these charges the Barber Board should have sufficient funds to maintain their operations until a Special Session is called. At this time, the Legislature will have an opportunity to either increase the fees to support the operations of the Board or to reduce appropriations. For these reasons, I am vetoing these items.

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM

Item 11

The construction and operation of community colleges in Texas has always been financed through the cooperative efforts of the State, students and the citizens of the community college district. Since the citizens of the El Paso Community College District have failed to pass a maintenance tax to provide funds for operation of their college, I considered this appropriation to be in conflict with our state's concept of operating a community college. In my opinion, expenditure of funds in this manner to establish an undesirable precedent in the financing of community colleges. For these reasons, I am vetoing this time.

TEXAS A & M UNIVERSITY SYSTEM - TEXAS AGRICULTURAL EXPERIMENT
STATION
Item 2k

The development of three new Regional Research and Extension centers was not included in this institution's budget request submitted to the Governor's Office or the Legislative Budget Board. Although it is my understanding that land has already been acquired for the proposed research centers, it will require at least one year to build the facilities. Since Article VII, Section 18 of the Texas Constitution prohibits the use of General Revenue Funds to construct buildings or make other permanent improvements in the Texas A & M University System, this item could only be utilized for operating expenses which will not be needed for at least a year. Accordingly, I am vetoing this item.

TEXAS A & M UNIVERSITY SYSTEM - PRAIRIE VIEW AGRICULTURAL AND MECHANICAL
COLLEGE
Item 8i

Other State agencies and institutions are already involved in similar programs. While the need to work on matters of environmental pollution is very great, there is not reason for costly and needless duplication of efforts. In my opinion, the college should concentrate its efforts on the strengthening and enrichment of the present educational program. This item was recommended neither by me, the Legislative Budget Board, nor was it included in the original Senate Appropriations Bill. In addition, the program approval for this endeavor has never been granted by the Coordinating Board, Texas College and University System. For these reasons, I am vetoing this item.

TEXAS A & M UNIVERSITY SYSTEM - TARLETON STATE COLLEGE
Item 7b

This item was recommended neither by me, the Legislative Budget Board, nor was it included in the original version of the House Appropriations Bill. At this time, sufficient justification has not been made to show the need for this item. Because of the tremendous demand for state funds and the need for additional taxes, this item represents an unnecessary expenditure and burden on the taxpayer. For these reasons, I am vetoing this item.

LAMAR UNIVERSITY
Item 7b

This item was recommended neither by me, the Legislative Budget Board, nor were funds provided for it in the Senate Appropriations Bill. In view of the tremendous demand for State funds and the necessity for increased taxes, such an item at this time represents a needless expenditure and burden on the Texas taxpayer. If these funds are from the General Revenue Fund for the purpose of constructing a museum, this appropriation would be in conflict with Article VII, Section 17, of the Texas Constitution. For these reasons, I am vetoing this item.

BOARD OF REGENTS FOR THE STATE SENIOR COLLEGES - ANGELO STATE
UNIVERSITY
Item 7b

At the present time, sufficient justification for this program has not been developed to show the need for it. Because of the great demand for State funds and the increased taxes, this item represents an unnecessary expenditure and burden on the taxpayer. For these reasons, I am vetoing this item.

STATEMENT OF OBJECTIONS TO RIDERS, SENATE BILL NO. 11

Although I have some doubts as to the Governor's constitutional authority to veto language in an appropriations bill, I feel that in view of the request of certain State agencies and my objections to these provisions and the doubtful validity of these provisions as they appear in Senate Bill No. 11, I am compelled to make every effort possible within my power to strike down and/or point out the invalidity of the following provisions:

The rider provision reading as follows:

"None of the funds appropriated to the Attorney General may be expended for legal services related to the Texas Optometry Board unless such services are performed by a full-time Assistant Attorney General housed in the Supreme Court Building."

found on page III-24. This section is direct conflict with the statutory language of the provision establishing the Texas Optometry Board and is therefore considered invalid.

The rider provision reading as follows:

"None of the funds appropriated in this Act may be expended for classified positions which function as hearings examiners unless the person filling such position has been licensed to practice law in the State of Texas. The Attorney General and State Classification Officer shall cooperate in carrying out the intent of this provision and shall withhold any payments for the position in question until such violation has been corrected. Provided, however, that this provision shall not apply to such classified positions filled before the effective date of this Act."

as it appears at page V-51, Section 47. This rider is unconstitutional as an attempt to amend the general law by rider in the appropriation bill. The State Classification Plan of 1961 specifically provides the method and manner of changing the Classification of employees.

The rider provisions reading as follows:

"None of the funds appropriated in this Act may be expended for the purpose of purchasing policies of insurance covering claims arising under the Texas Tort Claims Act, or for the purchase of any liability insurance policies for individual officers or employees of the State under the provisions of Chapter 797, Acts of the Sixty-first Legislature, Regular Session, 1969 (Article 6252-19a, Vernon's Texas Civil Statutes) or under the provisions of Chapter 212, Acts of the Sixty-first Legislature, Regular Session, 1969 (Articles 6674s-1, Vernon's Texas Civil Statutes), or under the provisions of Chapter 208, Acts of the Forty-third Legislature, Regular Session, 1933 (Article 6166z10, Department of Corrections, Vernon's Texas Civil Statutes)."

as it appears at page V-54, Section 56. In my opinion, this provision is unconstitutional in that it is an attempt to amend Article 6674-s 1 (in addition to other articles of general law) which specifies that the Texas Highway Department shall have the authority to insure its officers and employees through the purchase of policies and for the further reason that this provision could interfere with the efficient operation of several state agencies since it would be difficult to fill certain hazardous positions if protection was not afforded to these positions.

The rider provision reading as follows:

"None of the funds appropriate above may be expended for classified or exempt positions which have as their primary purpose the rendering of legal services."

found on page III-24. This section is in direct conflict with the statutory language of the provisions establishing the Texas Optometry Board and is therefore considered invalid.

Senate Bill No. 11 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the Sixty-Second Legislature, and in accordance with Section 14, Article IV of the Constitution of Texas, this bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I
have hereunto signed my name
officially and caused the seal of
State to be affixed hereto at
Austin this 20th day of June, 1971

PRESTON SMITH
Governor of Texas

By the Governor: